



DEPARTMENT OF CORRECTIONS POLICIES AND PROCEDURES

Policy No.: DOC 4.7.3	Subject: FURLOUGH / RELEASE / DISCHARGE - JUVENILE	
Chapter 4: FACILITY / PROGRAM SERVICES	Page 1 of 7	
Section 7: Releases / Placement	Revision Date: Dec. 1, 1997	
Signature: /s/ by Director Rick Day 11/25/97	Effective Date: Feb. 29, 1996	

I. POLICY:

It is the policy of the Department of Corrections to establish procedures for the release and discharge of juvenile offenders from correctional facilities and community programs, including emergency furloughs and home visits, that address facility/program security, protection of the victim and public, and the welfare of the offender.

II. AUTHORITY:

41-5-523, MCA. Disposition--Sentence to Correctional Facility--Commitment to Department--Placement and Evaluation of Youth--Restrictions
2-15-112 (1)(b), MCA. Duties and Powers of Department Heads

III. DEFINITIONS:

For the purpose of this policy, the affected facilities/programs include Pine Hills Youth Correctional Facility, Riverside Youth Correctional Facility, Juvenile Transition Centers, and other community placements.

Discharge means formal action, requiring the signature of the Director and notification of the committing Youth Court Judge, taken by the Department to relieve the state of any and all jurisdiction over a Juvenile Offender who has been formally committed to its custody *or* automatic action in the case of an offender whose commitment order has expired.

Release means the security classification change of a juvenile offender from any program/facility to a less restrictive placement at which time supervision is assumed by the Probation and Parole Bureau.

Field Investigation means a study conducted by Juvenile Parole to determine the appropriateness of a juvenile offender for placement.

Emergency Capacity means any time a secure-care facility reaches a population that exceeds its capacity which has been established by the Department.

Immediate Family, for the purpose of this policy, includes parents, spouses, siblings, and children of the offender. An exception for grandparents or extended family may be granted if there is solid evidence the grandparent or extended family member was a significant person in the offender's life.

Serious Illness, for the purpose of this policy, means the patient is not expected to live.

Home Visit means a transition center/community placement and parole officer authorized furlough of seven days or less granted to a juvenile offender as part of his/her treatment plan. Home visits will not be allowed for offenders residing in correctional facilities. Only offenders in community placements and programs will be eligible.

IV. PROCEDURES:

A. Intake/Reception

All facility/programs shall project an anticipated release/discharge date for each juvenile offender. This shall include all new referrals to facilities/programs as well as offenders being returned to programs/facilities for violations of the conditions of a parole agreement. A Request for Field Investigation shall be submitted to the appropriate parole officer within 30 days of reception to assist in the development of a treatment plan by the facility in cooperation with the juvenile parole officer.

B. Release/Furlough

Release/furloughs from facility/programs shall be categorized as one of the following:

1. **Emergency Furlough** is leave granted for emergency purposes such as death or illnesses in the family. The Superintendent/program manager or designee or community provider in consultation with the Juvenile Parole Officer may authorize an offender to

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leave a Department facility/program or community placement to attend funerals, make bedside visits to hospitalized immediate family members or persons who have had a significant impact upon the offender's life, or for other emergencies.

- a. **Notification of Death or Serious Illness:** When notification of death or serious illness is received, the Juvenile Parole Officer and the facility/program staff shall attend to the following:
 - 1) Confirm the death and funeral arrangements with the funeral director or confirm serious illness with the attending physician.
 - 2) Notify the offender of death or illness and, if appropriate and available, solicit assistance of the facility/program religious coordinator.
 - 3) Determine that the family desires the offender's presence at the funeral/sick bed.
 - 4) Determine the offender's security level and risk to the community.
 - 5) The parole officer will contact the prosecuting County Attorney to identify victim and prosecutorial concerns.
 - 6) If victim notification has been requested when an offender is furloughed from a facility/program, the Victim Information Coordinator or person designated by the Superintendent/Program Manager, with the Parole Officer, will arrange to notify the victim directly.

- b. **Offender Request for Emergency Furlough:** Arrangements for funeral attendance or sick bed visits will be made or approved by facility/program staff and the Juvenile Parole Officer.
 - 1) Transportation arrangements may be made by a facility/program escort, parent/family member, approved adult escort, and/or public transportation.
 - 2) The offender or family shall be responsible for all costs of the trip based on the ability to pay.
 - 3) An Offender Welfare Fund or facility/program funds may be used as a funding source.

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- 4) The facility/program staff shall submit a Field Investigation form requesting an emergency furlough to the Juvenile Parole Officer. The Emergency Furlough request will be approved by the primary Juvenile Parole Officer prior to an offender leaving the facility/program.
- 5) If an overnight visit is necessary and if the offender poses a security risk, he or she may be housed in a regional juvenile detention facility. The facility/program staff and the Juvenile Parole Officer will confirm these arrangements prior to departure.
- 6) The Juvenile Parole Officer will notify local law enforcement in advance of the emergency furlough to inform them that the offender will be in the area, to identify security and community concerns, and to provide them with a tentative schedule of events and restrictions.
- 7) The offender and facility/program staff will complete a Furlough Agreement outlining rules and restrictions to be followed while on the furlough. A copy of this agreement will be forwarded to the Juvenile Parole Officer.

c. High Profile Cases: The respective Division Administrator, Director, and Department Public Information Officer will be consulted in the movement of a high profile offender whose case presents the potential for attracting publicity or attention should the offender be in the community.

d. Escort officers should review and follow guidelines outlined in the local transportation and related policies prior to departure.

2. A Home Visit is a furlough granted for a family visit for therapeutic purposes. Home visits shall not exceed seven days in duration without an extension approved by the Juvenile Parole Officer and the Transition Center/community program administrator or designee.
 - a. Only juvenile offenders in Transition Centers and community placements will be granted home visits in accordance with established program policies.

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- b. The program staff shall be responsible for contacting the Juvenile Parole Officer for approval and scheduling.
 - c. The program staff and Juvenile Parole Officer will adhere to victim notification where applicable and specified by court order and will notify local law enforcement of the scheduled visit.
 - d. The offender or the offender's family shall be responsible for covering costs of the visit.
3. AWork Furlough@ is a term designating a short-term leave, up to ten (10) days, granted for the purpose of seeking employment. All furloughs and extensions must be approved by the Superintendent of a secure facility and the Community Corrections Division Administrator.
4. ASecure Facility Emergency Release@ is a release granted by the Superintendent of a secure facility as result of the population exceeding the rated capacity of the facility.
5. ARelease@ is the formal transfer of an offender from a secure facility to the supervision of the Probation and Parole Bureau occurring after the offender has satisfactorily completed program requirements.

C. Community Corrections Division Notification

1. The Superintendent of a secure facility is designated as the release authority for offenders under their custody. Juvenile offenders shall not be granted a release or furlough from a secure facility without the proper notification of the parole officer. In the case of an offender being released to a Transition Center, notification shall be made to the Center administrator who shall assume parole supervision responsibilities. Any dispute between the Superintendent and the Community Corrections Division Administrator shall be referred to the Director who shall be the final decision authority.
Any offenders being considered for release from a secure facility shall be screened

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by the facility to ensure compliance with established length of stay guidelines and release policies and procedures.

2. In the case of release, the committing Youth Court Judge shall be advised of the placement. Written acknowledgment from the Probation and Parole Bureau is required for all releases and furloughs except those categorized as Asecure facility emergency releases.®
3. In the case of a secure facility emergency release, arrangements may be made via telephone notification by the Superintendent or designee to the appropriate juvenile parole officer at least 48 hours prior to the release of the offender. The facility shall have an established policy which prescribes the manner in which juvenile offenders are selected for release.

D. Discharge

1. A discharge of a juvenile offender may be considered under the following circumstances:
 - a. Expiration of a Youth Court Order is when the Court Order sets forth the duration of the commitment time.
 - b. Offender attains the age of majority is when a youth reaches the age of 18 years of age.
 - c. Appropriate response is when a juvenile offender has met the conditions of the parole agreement and has received maximum benefit from all services available through the Department.
 - d. The juvenile offender has been transferred to criminal court to be prosecuted as an adult.
2. Discharge Procedure:

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- a. All discharges of juvenile offenders from Department custody who are on parole status requires a ARequest for Discharge@ form be submitted to the Administrator of the Community Corrections Division or designee.
- b. Any discharge of an offender from a facility requires a ARequest for Discharge@ form be submitted to the Director or designee.
- c. Any offender on parole status or in a secure facility shall automatically be considered discharged from Department jurisdiction at the time of expiration of the court order or the time that the offender attains the age of 18 years.
- d. Victim notification requirements shall be followed when a facility/program discharges an offender.
- e. The signed discharge form shall be distributed to the following:
 - 1) The juvenile offender (original);
 - 2) The Administrator/designee of the Community Corrections Division;
 - 3) The Youth Court (Probation Office);
 - 4) Pine Hills/Riverside; and
 - 5) The Juvenile Parole Officer.
- f. The committing Youth Court Judge shall be advised of the discharge.

V. CLOSING:

Questions concerning this policy shall be directed to the Superintendent/Community Corrections Division Administrator.